

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA §
§
v. § CRIMINAL NO. 4:12CR273
§
MIGUEL MORALES-ALVAREZ (1) §

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release.

After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on October 21, 2014, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Glenn Jackson.

On May 9, 2013, Defendant was sentenced by the Honorable Richard A. Schell, United States District Judge, to a sentence of twelve (12) months imprisonment followed by a one-year term of supervised release for the offense of Reentry of Removed Alien. Defendant began his term of supervision on November 13, 2013.

On April 1, 2014, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (the "Petition") (Dkt. 34). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; and (2) Immediately upon release of confinement, Defendant shall be surrendered to a duly authorized immigration official for deportation proceedings in accordance with the established procedures provided by the Immigration and Nationality Act, 8 U.S.C. § 1107, *et seq.* The Court

recommends that Defendant be deported. If ordered deported, Defendant shall remain outside of the United States. In the event Defendant is not deported, or for any reason re-enters the country after having been deported, Defendant shall comply with all conditions of supervised release, to include reporting to the nearest U.S. Probation Office within 72 hours of release by immigration officials or re-entry into the country.

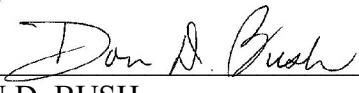
The Petition alleges that Defendant committed the following violations: (1) On March 1, 2014, Defendant was arrested by Dallas Police Department for Abandon/Endanger Child Imminent Danger, Second Degree Felony, Case No. F-1452776, and Assault Causing Bodily Injury Family member, Misdemeanor A. Defendant was released to Immigration Customs Enforcement (ICE) on March 4, 2014, and is currently in custody pending possible prosecution. On March 26, 2014, a federal indictment was filed against Defendant in the Northern District of Texas, Case No. 3:14cr126-D for illegal reentry after removal from the United States, violation of 8 U.S.C. § 1326(a) and (b)(1); and (2) Defendant was deported from the United States to Mexico by Immigration and Customs Enforcement on November 13, 2013. Defendant failed to report to the nearest U.S. Probation Office within 72 hours of his re-entry into the country, as evidenced by his arrest on March 1, 2014.

At the hearing, Defendant entered a plea of true to allegations two and three. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release and that his supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the October 21, 2014 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve (12) months to run consecutively with the sentence in the Northern District of Texas, with no supervised release to follow.

SIGNED this 29th day of October, 2014.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE